



***MINUTES OF THE ONE-HUNDRED-AND-SEVENTY-EIGHTH
MEETING OF THE MERIT BOARD – November 17, 2010***

***State Universities Civil Service System Office
1717 Philo Road, Suite 24
Urbana, Illinois 61802
&
(Video Conference)
University of Illinois at Chicago
Human Resources Building, Room 201D, 2nd Floor
715 South Wood Street
Chicago, Illinois
&
(Video Conference)
Western Illinois University
Horrabin Hall, Room 60
1 University Circle
Macomb, Illinois
&
(Video Conference)
Southern Illinois University Edwardsville
Office of Educational Outreach
Founders Hall 2300, Distance Learning Classroom
Edwardsville, IL***

Chair Maitland called the meeting to order at 10:05 a.m.

Members present at the primary meeting location were: Joanne E. Maitland, Chair, representing Illinois State University; and Robert D. Webb, representing Eastern Illinois University.

Members present at the Chicago videoconference location were: Grace G. Dawson, representing Northeastern Illinois University; Kristi DeLaurentiis, representing Governors State

University; Karan Hasara, representing the University of Illinois; Lawrence Oliver II, representing the University of Illinois; and Richard L. Tolliver, representing Chicago State University.

Member present at the Macomb videoconference location was: Donald “Bill” Griffin, representing Western Illinois University.

Member present by audio conference was: Barbara Vella, representing Northern Illinois University.

Members absent were: James D. Montgomery, representing the University of Illinois and John Simmons, representing Southern Illinois University.

Also present were: Lewis T. (Tom) Morelock, Executive Director; Teresa Rademacher, Secretary for the Merit Board; and Barney Bryson, Chair of the State Universities Civil Service Advisory Committee. Various other university employees and University System Office staff were also in attendance.

Consideration of participation by other Merit Board Members, not physically present at meeting site

One board member had requested to participate by audio conference prior to the meeting due to employment purposes. Dr. Webb moved to approve that Ms. Vella be allowed to participate by audio conference in accordance with the Open Meeting Act requirements. Ms. DeLaurentiis seconded Dr. Webb’s motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Tribute to Mary C. Follmer, former Legal Counsel for the agency and the University Civil Service Merit Board

Mr. Morelock stated that the University System Office had lost a great friend and wonderful colleague, Mary Follmer. Mary had been the Legal Counsel for the University Civil Service Merit Board for the last several years. Mary passed away on September 13, 2010 following a brief serious medical problem. Mr. Morelock stated that the office had placed an engraved bench outside of the office in her honor. She was the guiding light for this agency and will be greatly missed. A moment of silence was held in her honor.

Public Comments

The University System office had no requests for public comments.

Consideration of the Minutes of the 177th Meeting of the Merit Board, August 18, 2010

The minutes of the 177th meeting of the Merit Board, August 18, 2010 had been transmitted to members of the Merit Board with the agenda materials.

Ms. DeLaurentiis moved to approve the minutes of the 177th meeting of the University Civil Service Merit Board. Dr. Dawson seconded Ms. DeLaurentiis' motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Consideration to destroy the recording of the Executive Session of the 171st Meeting of the Merit Board, February 18, 2009

Mr. Morelock explained that in accordance with the Open Meetings Act, recordings of closed sessions must be kept for 18 months from the date of the recording. The Closed Session minutes of the 171st meeting of the Merit Board, February 18, 2009, had been approved and released by the Merit Board at the May 19, 2009 meeting. Based on these facts, the recording could be destroyed.

Ms. DeLaurentiis moved to destroy the Closed Session recording of the 171st meeting of the Merit Board, February 18, 2009. Dr. Dawson seconded Ms. DeLaurentiis' motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Consideration of Discharge Proceeding Number UIC-10-14 filed against Christopher N. Black by the University of Illinois at Chicago

On October 20, 2010, the Secretary for the Merit Board mailed the Hearing Record for the Christopher N. Black (UIC-10-14) discharge case to each member of the Merit Board. The Merit Board was asked to review the case and be prepared to act on this discharge matter at this meeting.

Chair Maitland asked Mr. Morelock to give a summary of the case. Mr. Morelock summarized the Written Charges for Discharge and alternative orders. On June 25, 2010, Mr. Black was served with Written Charges for Discharge. The charges alleged as grounds for discharge were

the following: continued insubordination; refusal to submit environmental services department daily assignment log; continued failure to adhere to departmental call-in procedure; and continued unexcused absence.

Dr. Dawson expressed concern that a lot of employees in low paying jobs are being discharged and cannot afford to hire an attorney to represent them. In most cases, the Hearing Officer is finding in favor of the employer. Mr. Morelock stated that, if an employee is represented by a collective bargaining agreement, they can ask the union to represent them. Mr. Morelock further stated that Mr. Black had received the following disciplinary actions:

- Letter of Warning for tardiness – (09/29/2006)
- Disciplinary Suspension for 5 days for continued tardiness – (03/26/2007)
- Disciplinary Suspension for 10 days for continued tardiness – (10/10/2007)
- Disciplinary suspension for 30 days for continued tardiness; continued unexcused absence; and failure to follow call-in procedure – (11/25/2009)
- Disciplinary Suspension for 30 days for insubordination, insolence, loud disruptive behavior in the presence of UIC visitors; failure to adhere to departmental call-in procedure; unexcused absence; and tardiness – (12/23/2009)

Chair Maitland asked for a motion to either discharge, reinstate with a 60-day suspension, or reinstate Mr. Black. Ms. Hasara made a motion that Mr. Black be discharged. Dr. Webb seconded Ms. Hasara's motion.

A roll call vote was taken and the motion was approved with the following vote:

Ms. Hasara.....	Aye
Mrs. Maitland.....	Aye
Mr. Montgomery.....	Absent
Mr. Oliver	Aye
Mr. Simmons	Absent
Rev. Tolliver	Aye
Ms. Vella	Aye
Dr. Webb	Aye
Dr. Dawson	Aye
Ms. DeLaurentiis.....	Aye
Dr. Griffin.....	Aye

The following decision and order was therefore adopted.

STATE OF ILLINOIS



STATE UNIVERSITIES CIVIL SERVICE SYSTEM

CHRISTOPHER N. BLACK,	)	BEFORE THE UNIVERSITY CIVIL
	)	SERVICE MERIT BOARD
Employee-Petitioner,)	
	)	DISCHARGE PROCEEDING
v.)	
	)	No. UIC-10-14
UNIVERSITY OF ILLINOIS at Chicago,)	
)	
Employer-Respondent.)	

DECISION AND ORDER OF THE UNIVERSITY CIVIL SERVICE MERIT BOARD

PROCEDURAL HISTORY

Discharge proceedings have been commenced by the **UNIVERSITY OF ILLINOIS AT CHICAGO**, employer, against **CHRISTOPHER N. BLACK**, employee, by service of Written Charges for Discharge by certified mail on June 25, 2010 and the Employee-Petitioner, **CHRISTOPHER N. BLACK**, has filed a timely written request for Hearing. A Hearing has been duly convened, held, and concluded on July 29, 2010 in conformity with the procedures set forth in section 250.110(f) of the Illinois Administrative Code (80 Ill. Adm. Code §250.110(f)). The complete Hearing Record has been certified and placed on file in this cause.

FINDINGS

The University Civil Service Merit Board has examined and reviewed the Hearing Record, as supplemented, which includes the following:

1. Written Charges for Discharge filed on June 25, 2010
2. Suspension Notice Pending Discharge filed on June 25, 2010
3. Employee's timely written request for a Hearing received on July 6, 2010 from the Employee-Petitioner
4. Acknowledgement of request for Hearing, dated July 12, 2010
5. Notice of Hearing to Hearing Officer, dated July 23, 2010
6. Proof of Notice of Convening of Hearing to the Employer's Attorney of Record, Employer, and Employee, dated July 23, 2010
7. Transcript of Evidence and Exhibits
8. Request to Hearing Officer for Findings of Fact, dated August 24, 2010
9. Findings of Fact, rendered by the Hearing Officer, dated August 30, 2010
10. Certification of Hearing Record, dated August 31, 2010

Now being fully advised of the matters contained in the Hearing Record, as supplemented, and based solely on the matters contained in the Hearing Record, as supplemented, the University Civil Service Merit Board makes the following jurisdictional and factual findings and issues the following Decision and Order:

1. That this discharge proceeding has been commenced and conducted in compliance with section 250.110(f) of the Illinois Administrative Code (80 Ill. Adm. Code §250.110(f)) and all applicable State and Federal Laws and that the University Civil Service Merit Board has jurisdiction of the parties and subject matter thereof.
2. That the Hearing Record, as supplemented, supports and sustains the following charges of the employer, **UNIVERSITY OF ILLINOIS AT CHICAGO**, against the employee, **CHRISTOPHER N. BLACK**, and establishes just cause for discharge, as follows:

The employee received the following disciplinary actions:

- Letter of Warning for tardiness – (09/29/2006)
- Disciplinary Suspension for 5 days for continued tardiness – (03/26/2007)
- Disciplinary Suspension for 10 days for continued tardiness – (10/10/2007)
- Disciplinary suspension for 30 days for continued tardiness; continued unexcused absence; and failure to follow call-in procedure – (11/25/2009)
- Disciplinary Suspension for 30 days for insubordination, insolence, loud disruptive behavior in the presence of UIC visitors; failure to adhere to departmental call-in procedure; unexcused absence; and tardiness – (12/23/2009)

Subsequent to the decision making leave the employee committed the following infractions:

- continued insubordination
- refusal to submit environmental services department daily assignment log
- continued failure to adhere to departmental call-in procedure
- continued unexcused absence

DECISION AND ORDER

WHEREFORE, IT IS HEREBY ORDERED:

1. The Findings of Fact of the Hearing Officer, attached hereto, are approved and certified to the employer, **UNIVERSITY OF ILLINOIS AT CHICAGO**, to the extent not inconsistent with the findings made herein.
2. The employee, **CHRISTOPHER N. BLACK** is hereby separated from the service of his employer, **UNIVERSITY OF ILLINOIS AT CHICAGO**, and that the effective date of his discharge shall be as of November 17, 2010.

DATED AND ENTERED this 17th day of November, 2010.

UNIVERSITY CIVIL SERVICE MERIT BOARD

By: /s/ Joanne E. Maitland
Joanne Maitland
Chair

ATTEST:

/s/ Teresa M. Rademacher
Teresa M. Rademacher
Secretary for the Merit Board

Consideration of Discharge Proceeding Number EIU-10-3 filed against Carl "Scott" Hills by Eastern Illinois University

On October 29, 2010, the Secretary for the Merit Board mailed the Hearing Record for the Carl "Scott" Hills (EIU-10-3) discharge case to each member of the Merit Board. The Merit Board was asked to review the case and be prepared to act on this discharge matter at this meeting.

Chair Maitland asked Mr. Morelock to give a summary of the case. Mr. Morelock summarized the Written Charges for Discharge and alternative orders. On June 21, 2010, Mr. Hills was served with Written Charges for Discharge. The charge alleged as grounds for discharge was the following: theft of property taken from a high school student attending a camp sponsored by Eastern Illinois University.

Chair Maitland stated that Mr. Hills had filed a Motion for Appearance to speak to the Merit Board. Dr. Dawson made a motion to allow Mr. Hills to appear before the Merit Board. Dr. Webb seconded Dr. Dawson's motion.

A roll call vote was taken and the motion was approved with the following vote:

Dr. DawsonAye
Ms. DeLaurentiis.....Aye
Dr. Griffin.....Aye
Ms. Hasara.....Aye
Mrs. MaitlandAye
Mr. Montgomery.....Absent
Mr. OliverAye
Mr. SimmonsAbsent
Rev. TolliverAye
Ms. VellaAye
Dr. WebbAye

Mr. Hills stated that he had been accused of stealing, but that he was only doing his job. He expressed that he was very sorry to the young man to cause him any concern for his loss. He felt that the university could have suspended him, but not discharge him. Mr. Hills further stated that he had hired an attorney in the beginning but could no longer afford legal counsel to represent him so the union represented him at the hearing. He further state that he enjoyed his job and the he would never do anything to jeopardize his job.

Mr. Hills further stated that he had signed an Order of Supervision in the court system upon the advice of his public defender. Eastern Illinois University had blocked his unemployment and he was in need of money to be able to pay his bills. The Order of Supervision is an admission of guilt and he was sentenced to supervision for a period of six months and to pay \$300 in fine and court costs. After the completion of court supervision he will have no criminal record.

Mr. Miller, Legal Counsel for the Employer-Respondent, was asked what type of training employees had received for the clean-up of outside areas. Mr. Miller could not respond because he was not certain of the exact training.

Chair Maitland asked for a motion to either discharge, reinstate with a 60-day suspension, or reinstate Mr. Hills. Dr. Webb made a motion that Mr. Hills be discharged. Ms. Hasara seconded Dr. Webb's motion.

A roll call vote was taken and the motion was approved with the following vote:

Dr. Webb	Aye
Dr. Dawson	Aye
Ms. DeLaurentiis.....	Aye
Dr. Griffin.....	No
Ms. Hasara.....	Aye
Mrs. Maitland	Aye
Mr. Montgomery.....	Absent
Mr. Oliver	Aye
Mr. Simmons	Absent
Rev. Tolliver	Aye
Ms. Vella	Aye

The following decision and order was therefore adopted.

STATE OF ILLINOIS



STATE UNIVERSITIES CIVIL SERVICE SYSTEM

CARL "SCOTT" HILLS,	)	BEFORE THE UNIVERSITY CIVIL
	)	SERVICE MERIT BOARD
Employee-Petitioner,)	
	)	DISCHARGE PROCEEDING
v.)	
	)	No. EIU-10-3
EASTERN ILLINOIS UNIVERSITY,)	
)	
Employer-Respondent.)	

DECISION AND ORDER OF THE UNIVERSITY CIVIL SERVICE MERIT BOARD

PROCEDURAL HISTORY

Discharge proceedings have been commenced by **EASTERN ILLINOIS UNIVERSITY**, employer, against **CARL "SCOTT" HILLS**, employee, by service of Written Charges for Discharge by certified mail on June 21, 2010 and the Employee-Petitioner, **CARL "SCOTT" HILLS**, has filed a timely written request for Hearing. A Hearing has been duly convened, held, and concluded on August 4, 2010 in conformity with the procedures set forth in section 250.110(f) of the Illinois Administrative Code (80 Ill. Adm. Code §250.110(f)). The complete Hearing Record has been certified and placed on file in this cause.

FINDINGS

The University Civil Service Merit Board has examined and reviewed the Hearing Record, as supplemented, which includes the following:

1. Written Charges for Discharge
2. Suspension Notice Pending Discharge
3. Employee's written request for a Hearing

4. Acknowledgement of hearing request to Employee-Petitioner's Attorney/Representative
5. Notice of Hearing to Hearing Officer
6. Notice of Convening of Hearing to the Employer's Attorney of Record, Employer, Employee's Attorney/Representative, and Employee
7. Letter of withdrawal of Employee-Petitioner's Attorney and notice of new representative for Employee-Petitioner
8. Subpoena Requests/Subpoenas for Matt Boyer, Sam Cunningham, Kevin Larkin, Lloyd Leonard, and Vaughn Plunkett
9. Witness List for Employer-Respondent
10. Witness List for Employee-Petitioner
11. Transcript of Evidence and Exhibits
12. Closing Argument by Employee-Petitioner
13. Employer-Respondent's Final Argument
14. Hearing Officer's request for Findings of Fact
15. Findings of Fact, rendered by the Hearing Officer
16. Certification of Hearing Record, dated October 4, 2010
17. Order of Supervision, filed by Robert L. Miller, Attorney for Employer-Respondent
18. Receipt and Notice of Filing of Order of Supervision
19. Motion to Appear before the Merit Board, filed by Carl "Scott" Hills

Now being fully advised of the matters contained in the Hearing Record, as supplemented, and based solely on the matters contained in the Hearing Record, as supplemented, the University Civil Service Merit Board makes the following jurisdictional and factual findings and issues the following Decision and Order:

1. That this discharge proceeding has been commenced and conducted in compliance with section 250.110(f) of the Illinois Administrative Code (80 Ill. Adm. Code §250.110(f)) and all applicable State and Federal Laws and that the University Civil Service Merit Board has jurisdiction of the parties and subject matter thereof.
2. That the Hearing Record, as supplemented, supports and sustains the following charges of the employer, **EASTERN ILLINOIS UNIVERSITY**, against the employee, **CARL "SCOTT" HILLS**, and establishes just cause for discharge, as follows:

Subsequent to the decision making leave the employee committed the following infractions:

- theft of property from a high school student attending a camp on the campus

DECISION AND ORDER

WHEREFORE, IT IS HEREBY ORDERED:

1. The Findings of Fact of the Hearing Officer, attached hereto, are approved and certified to the employer, **EASTERN ILLINOIS UNIVERSITY**, to the extent not inconsistent with the findings made herein.
2. The employee, **CARL "SCOTT" HILLS** is hereby separated from the service of his employer, **EASTERN ILLINOIS UNIVERSITY**, and that the effective date of his discharge shall be as of November 17, 2010.

DATED AND ENTERED this 17th day of November, 2010.

UNIVERSITY CIVIL SERVICE MERIT BOARD

By: /s/ Joanne E. Maitland

Joanne Maitland
Chair

ATTEST:

/s/ Teresa M. Rademacher

Teresa M. Rademacher
Secretary for the Merit Board

Consideration of Discharge Proceeding Number NIU-10-1 filed against Michael Rettig by Northern Illinois University

On November 8, 2010, the Secretary for the Merit Board mailed the Hearing Record for the Michael Rettig (NIU-10-1) discharge case to each member of the Merit Board. The Merit Board was asked to review the case and be prepared to act on this discharge matter at this meeting.

Chair Maitland asked Mr. Morelock to give a summary of the case. Mr. Morelock summarized the Written Charges for Discharge and alternative orders. Mr. Morelock stated that this case stemmed from a Review Decision by the Executive Director issued on June 9, 2009 and a review of the Executive Director's decision by the Merit Board issued on August 19, 2009. On September 18, 2009, the University System office received a Summons for Administrative Review by Officer Rettig based on the Merit Board's decision. On June 21, 2010, Judge Klein issued an Order of Remand of the Circuit Court of DeKalb County, in that he remanded the matter back to the University Civil Service Merit Board to allow for a hearing regarding Officer Rettig's separation from Northern Illinois University.

On August 12, 2010, Northern Illinois University served Officer Rettig with Written Charges for Discharge. The charges alleged as grounds for discharge were the following: violation of Code of Ethics, Department Policy 14.1, paragraph (2), which states in part; "... I will be exemplary in obeying the law and regulations of my department." and violation of Department Rules and Regulations Section VII. Penalties (B) punishable Offenses; Offenses for which a member may be subject to disciplinary action includes, but are not limited to the following: disobedience or violation of any department rules, regulations, orders, instruction or memorandum; insubordination; and disobedience of a lawful order.

Chair Maitland stated that Mark Bennett, Attorney for the Employer-Respondent, had filed an Employer's Motion for Oral Argument before the Merit Board. Dr. Webb made a motion to allow Mr. Bennett to appear before the Merit Board. Ms. Hasara seconded Dr. Webb's motion.

A roll call vote was taken and the motion was approved with the following vote:

Dr. Webb	Aye
Dr. Dawson	Aye
Ms. DeLaurentiis.....	Aye
Dr. Griffin.....	Aye
Ms. Hasara.....	Aye
Mrs. Maitland	Aye
Mr. Montgomery.....	Absent
Mr. Oliver	Aye
Mr. Simmons	Absent
Rev. Tolliver	Aye
Ms. Vella	Abstained

Mr. Bennett explained that the case went back to whether the University Civil Service Merit Board had the authority to hold a discharge hearing. Officer Rettig was working under the terms of a Last Chance Agreement, in which Officer Rettig had signed acknowledging that he understood the terms of the agreement. Officer Rettig was working under the conditions that if he conducted a major infraction under Northern Illinois University rules, within a 24 month period, he would be terminated from his employment at Northern Illinois University. Mr.

Bennett further stated that the Last Chance Agreement is valid and enforceable and that the Merit Board needs to enforce the agreement. He further stated the court did not throw out the Last Chance Agreement, but the court ordered a hearing by the University Civil Service Merit Board. Mr. Bennett further stated that the hearing was to establish whether a major infraction had occurred and it was Chief Grady who determined if a major infraction had occurred.

After further discussion, Chair Maitland asked for a motion to discharge, reinstate with a 60-day suspension, or reinstate Officer Rettig. Dr. Dawson made a motion that Officer Rettig be discharged. Dr. Griffin seconded Dr. Dawson's motion.

A roll call vote was taken and the motion was approved with the following vote:

Dr. Dawson	Aye
Ms. DeLaurentiis.....	No
Dr. Griffin.....	Aye
Ms. Hasara.....	Aye
Mrs. Maitland	No
Mr. Montgomery.....	Absent
Mr. Oliver	Aye
Mr. Simmons	Absent
Rev. Tolliver	Aye
Ms. Vella	Abstained
Dr. Webb	Aye

The following decision and order was therefore adopted.

STATE OF ILLINOIS



STATE UNIVERSITIES CIVIL SERVICE SYSTEM

MICHAEL RETTIG,	)	BEFORE THE UNIVERSITY CIVIL
	)	SERVICE MERIT BOARD
Employee-Petitioner,)	
	)	DISCHARGE PROCEEDING
v.)	
	)	No. NIU-10-1
NORTHERN ILLINOIS UNIVERSITY,)	
)	
Employer-Respondent.)	

DECISION AND ORDER OF THE UNIVERSITY CIVIL SERVICE MERIT BOARD

PROCEDURAL HISTORY

Discharge proceedings have been commenced by **NORTHERN ILLINOIS UNIVERSITY**, employer, against **MICHAEL RETTIG**, employee, by service of Written Charges for Discharge by certified mail on August 12, 2010 in accordance with the Order of Remand of the Circuit Court of DeKalb County, dated June 21, 2010. A Hearing has been duly convened, held, and concluded on September 20, 2010 in conformity with the procedures set forth in section 250.110(f) of the Illinois Administrative Code (80 Ill. Adm. Code §250.110(f)). The complete Hearing Record has been certified and placed on file in this cause.

FINDINGS

The University Civil Service Merit Board has examined and reviewed the Hearing Record, as supplemented, which includes the following:

1. Written Charges for Discharge
2. Notice of the June 21, 2010 remand order of the Circuit Court of DeKalb to the Employee-Petitioner
3. Notice of Hearing to Hearing Officer
4. Notice of Convening of Hearing to the Employer's Attorney of Record, Employer, Employee's Attorney of Record, and Employee
5. Notice of Appearance for Employer-Respondent
6. Employer-Respondent's List of Witnesses and Exhibits
7. Witness List for Employee-Petitioner and Exhibits and Stipulations
8. Notice of Protocols to parties of record
9. Transcript of Evidence and Exhibits
10. Post-Hearing Brief of Petitioner Michael Rettig, filed by Ronald N. Cicinelli, Attorney for Employee-Petitioner

11. Employer's Post-Hearing Brief, filed by Mark W. Bennett, Attorney for Employer-Respondent
12. Hearing Officer's request for Findings of Fact
13. Findings of Fact, rendered by the Hearing Officer
14. Certification of Hearing Record, dated October 20, 2010
15. Employer's Motion for Oral Argument before the Merit Board, filed by Mark W. Bennett, Attorney for Employer-Respondent
16. Receipt and Notice of Filing of Employer's Motion for Oral Argument before the Merit Board
17. Michael Rettig's Response to Employer's Motion for Oral Argument before the Merit Board, filed by Ronald Cicinelli, Attorney for Employee-Petitioner
18. Receipt and Notice of Filing of Michael Rettig's Response to Employer's Motion for Oral Argument before the Merit Board
19. Employer's Objections to Hearing Officer Brian Clauss' Findings of Fact, filed by Mark W. Bennett, Attorney for Employer-Respondent
20. Receipt and Notice of Filing of Employer's Objections to Hearing Officer Brian Clauss' Findings of Fact

Now being fully advised of the matters contained in the Hearing Record, as supplemented, and based solely on the matters contained in the Hearing Record, as supplemented, the University Civil Service Merit Board makes the following jurisdictional and factual findings and issues the following Decision and Order:

1. That this discharge proceeding has been commenced and conducted in compliance with section 250.110(f) of the Illinois Administrative Code (80 Ill. Adm. Code §250.110(f)) and all applicable State and Federal Laws and that the University Civil Service Merit Board has jurisdiction of the parties and subject matter thereof.
2. That the Hearing Record, as supplemented, supports and sustains the following charges of the employer, **NORTHERN ILLINOIS UNIVERSITY**, against the employee, **MICHAEL RETTIG**, and establishes just cause for discharge, as follows:

Subsequent to the decision making leave the employee committed the following infractions:

- a. Violation of Code of Ethics, Department Policy 14.1, paragraph (2), which states in part; "... I will be exemplary in obeying the law and regulations of my department."
- b. Violation of Department Rules and Regulations Section VII. Penalties (B) punishable Offenses; Offenses for which a member may be subject to disciplinary action includes, but are not limited to the following: disobedience or violation of any department rules, regulations, orders, instruction or memorandum; insubordination; and disobedience of a lawful order.

DECISION AND ORDER

WHEREFORE, IT IS HEREBY ORDERED:

1. The Findings of Fact of the Hearing Officer, attached hereto, are approved and certified to the employer, **NORTHERN ILLINOIS UNIVERSITY**, to the extent not inconsistent with the findings made herein.
2. The employee, **MICHAEL RETTIG** is hereby separated from the service of his employer, **NORTHERN ILLINOIS UNIVERSITY**, and that the effective date of his discharge shall be as of November 17, 2010.

DATED AND ENTERED this 17th day of November, 2010.

UNIVERSITY CIVIL SERVICE MERIT BOARD

By: /s/ Joanne E. Maitland

Joanne Maitland
Chair

ATTEST:

/s/ Teresa M. Rademacher

Teresa M. Rademacher
Secretary for the Merit Board

Discussion and consideration of the transition of the current Exemption Procedures to be formally codified as Administrative Rules under 80 Ill. Adm. Code §250

Mr. Morelock stated that at the last meeting of the Merit Board, it was brought to the board's attention that a Senate Joint Committee hearing had been held and that the University System office was to provide possible recommendations to the Senate Joint Committee. One of the recommendations was moving the current Exemption Procedures Manual into Administrative Rules. The Exemption Procedures Manual was approved by the Merit Board in 2009. Mr. Morelock stated that converting these procedures to rules would be a lengthy project. The various committee groups will be given an opportunity to review and discuss the rules before submission for the First Notice Period. The Merit Board will have the final say on the new rules before they are submitted for final adoption before the Joint Committee on Administrative Rules.

After further discussion, Ms. DeLaurentiis made a motion to authorize the initiation of the rulemaking process to transition the current Exemption Procedures to Administrative Rules and to submit for the First Notice Period in the Illinois Register. Dr. Dawson seconded Ms. DeLaurentiis' motion.

A roll call vote was taken and the motion was approved with the following vote:

Ms. DeLaurentiis.....	Aye
Dr. Griffin.....	No
Ms. Hasara.....	No
Mrs. Maitland.....	Aye
Mr. Montgomery.....	Absent
Mr. Oliver	No
Mr. Simmons	Absent
Rev. Tolliver.....	Aye
Ms. Vella	Aye
Dr. Webb	Aye
Dr. Dawson	Aye

Discussion and consideration of actions to address audit issues at the University of Illinois at Chicago

The Merit Board was presented with a supplemental package of information that contained the 2010 UIC Biennial Audit information. Mr. Morelock pointed out several significant issues on pages 3, 4 and 5 regarding Principal Administrative Appointments. On page 6 of the report he pointed out the follow-up activities that still needed to be completed.

Mr. Morelock stated that some changes were occurring at UIC; Maureen Parks has been put in charge of the audit and the University System staff is working with her to resolve some of the many issues. The recent audit did reveal that some of the findings were items that the Human Resource Department had not been cited for in the past. It seems that they now are becoming major areas of difficulty for UIC to maintain. The significant problem is that the overall audit, and specifically the exemption finding, has not gotten any better over the last three years. Mr. Morelock suggested that the Merit Board withdraw exemption authority from UIC.

Mr. Oliver and Mrs. Hasara felt that the university had exhibited a sincere effort to correct the issues and that UIC is on the road to compliance. Software applications and new business processes have been put in place. The last count was that over 300 exempt positions have been reviewed. The board questioned whether the University System staff could handle the exemption approval process for UIC and that the University System would micro manage.

Mr. Morelock further stated that the exemption authorization process is based on a review of the position description and many of the problems at UIC are that position descriptions are not available or incomplete. A large number of the exempted positions meet civil service specifications. In the past, the Human Resource Department was making these decisions, but now the employing departments are making the determination. The exemption authority had been pushed out to the departments and the matter is out of control. Mr. Morelock further stated that he had informed Ms. Parks that the University System office would turn around the approvals for Principal Administrative Appointments quickly.

Ms. Parks stated that she got involved in the project in July 2010 and that a process has been put in place requiring the Human Resource Department to be included in the exemption process; the Human Resource Department is feeling some resistance from the departments. She further stated that it is going to take another 12 to 18 months to go through the old positions. Currently, the Human Resource Department is evaluating all new hires. UIC is looking at a plan to convert several Principal Administrative Appointment positions to Civil Service. Ms. Parks further stated that the Human Resource Department had one person managing classification issues and there is now seven people working in the department. About 20% of the positions have been reviewed at the time of the board meeting.

After further discussion, Ms. Vella made a motion that the Merit Board direct the University System office, in collaboration with the University of Illinois at Chicago, to develop a process to review exempted positions and the approval of exemptions at UIC and to report back at the next meeting of the board with some timeframe for compliance. Dr. Dawson seconded Ms. Vella's motion.

A roll call vote was taken and the motion was approved with the following vote:

Ms. VellaAye
Dr. WebbAye
Dr. DawsonAye

Ms. DeLaurentiis.....	Aye
Dr. Griffin.....	Aye
Ms. Hasara.....	Aye
Mrs. Maitland.....	Aye
Mr. Montgomery.....	Absent
Mr. Oliver	Aye
Mr. Simmons	Absent
Rev. Tolliver	Aye

Discussion and action on proposed revisions to the Classification Procedures Manual

Mr. Morelock gave an overview of the Pilot Program. The program was first approved in September 2002 for a five year period. It was later approved for an additional three years with the time period to expire in September 2011. The University System staff is currently working on moving these classifications and corresponding employment protocols into the current Civil Service Classification Plan structure.

Dr. Griffin made a motion to approve the proposed revisions to the Classification Procedures Manual, Section 4. Ms. Vella seconded Dr. Griffin's motion.

A roll call vote was taken and the motion was approved with the following vote:

Dr. Griffin.....	Aye
Ms. Hasara.....	Aye
Mrs. Maitland.....	Aye
Mr. Montgomery.....	Absent
Mr. Oliver	Aye
Mr. Simmons	Absent
Rev. Tolliver	Aye
Ms. Vella.....	Aye
Dr. Webb	Aye
Dr. Dawson	Absent
Ms. DeLaurentiis.....	Aye

Report of the Executive Director

Executive Director Morelock provided an agency report which included the following items:

- updated the Merit Board on the current FY 2010 / FY 2011 expenditures and obligations; breakdown of expenditures were included in the agenda materials; FY 2010 will not

close until December 31 so that agencies can process prompt payment interest vouchers to the vendors for interest payments because the State has thousands of backlog vouchers that have not been paid; FY 2012 budget proposal was submitted to the Illinois Board of Higher Education;

- FY 2010 Annual Report was completed and distributed
- updated the Merit Board on the Audit Program with a copy of the audit schedule included in the agenda materials;
- updated the Merit Board on the recent classification/examination changes; and
- informed the Merit Board of interagency activities with a list of University/Agency visits included in agenda materials.

Report of the Administrative Advisory Committee

Mr. Morelock reported that the Administrative Advisory Committee had met on October 15, 2010 and the committee had discussed many of the issues that were discussed by the Merit Board at this meeting. An agenda of the Committee meeting was provided.

Report of the State Universities Civil Service Advisory Committee – Barney Bryson, Chair

The Merit Board heard a report from Barney Bryson, Chair of the State Universities Civil Service Advisory Committee. Mr. Bryson thanked Ms. DeLaurentiis for attending the last Employee Advisory Committee at Governors State University. The committee would like to continue this practice with the other universities to build a stronger relationship between the Merit Board members and the Employee Advisory Committee members. It had been reported that there were a couple of election problems at a university that the committee did not know about and that in the future, the Election Committee Chair will take a more active role. Mr. Bryson further stated that the Employee Advisory Committee had expressed concerns to the Merit Board on several occasions regarding the Principal Administrative Appointments issues, not just at the University of Illinois at Chicago, but at all of the universities. A more assertive review and authorization process was supported.

Report of the Human Resource Directors Advisory Committee

The Merit Board heard a report from Maureen Parks, Assistant Vice President for University Human Resources, University of Illinois. Ms. Parks stated that the Human Resource Directors continue to discuss the Pilot Program and the corresponding employment process. The committee meeting scheduled for November 5, 2010 was canceled.

Report of Legal Counsel

Mr. Morelock updated the Merit Board on outstanding legal matters. He stated that a total of 23 Written Charges for Discharge have been served on employees by the various universities and agencies for FY 2011. Eight employees have requested a hearing thus far for FY 2011. Three cases were resolved at the board meeting today; with one case possible for the February meeting. No Administrative Review cases are pending at this time.

Consideration of the 2011 Schedule of Meetings of the Merit Board

The Merit Board was presented with a meeting schedule for calendar year 2011. Dr. Dawson moved to approve the meeting schedule for calendar year 2011. Ms. Hasara seconded Dr. Dawson's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

The 2011 meeting dates are:

- Wednesday, February 16, 2011
- Wednesday, May 18, 2011
- Wednesday, August 17, 2011
- Wednesday, November 16, 2011

Other Items as Presented

The next meeting of the Merit Board will be on Wednesday, February 16, 2011. Dr. Webb made a motion to adjourn the meeting. Dr. Dawson seconded Dr. Webb's motion. A voice vote was taken and approved. The meeting adjourned at 12:52 p.m.

Respectfully submitted,

/s/ Teresa M. Rademacher

Teresa M. Rademacher
Secretary for the Merit Board

APPROVED:

/s/ Joanne E. Maitland

Joanne E. Maitland, Chair

February 16, 2011

Date